

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 58 of 1984

with

SPECIAL CIVIL APPLICATION No 280 of 1984

Date of decision: 30-7-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DEVENDRA VINODCHANRA SHAH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 58 of 1984
MR PV HATHI for Petitioner
Mr. D. A. Bambania for Respondent No. 1, 4

SERVED for Respondent No. 3

2. Special Civil Application No 280 of 1984

SERVED for Petitioner

Mr. D.A. Bambania for Respondent No. 1

UNSERVED for Respondent No. 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/07/97

ORAL JUDGEMENT

The petitioners in both these special civil applications challenge the final seniority list dated 30th September, 1983 of Assistants in the Sachivalaya. The grievance has been made that excess number of promotees shown enblock senior to direct recruits as on 1-1-1975 as a result of erroneous interpretation of the relevant rules is wholly arbitrary and unjust. However, in these matters it is not necessary to go into the merits of the contentions raised by the learned counsel for the petitioners, as the matter has already been decided by this Court and the very seniority list challenged in these special civil applications has been upheld by this Court in Special Civil Applications No.22766/81 and 5659/82 decided on 29-2-1994. Shri P. V. Hathi, learned counsel for the petitioners contended that one contention though raised in the earlier petition was not considered by the court while deciding those petition and as such that point may be considered in these petitions. However, the learned counsel for the petitioners admits that the L.P.A. filed against the judgment of this court in the earlier special civil applications is pending before Division Bench. So when the matter is pending in L.P.A. this point is open for consideration of the Division Bench, and therefore I do not consider it proper to decide that point in these petitions. It is not the case where this point was not raised in the earlier petitions, but the grievance is that it was not considered by the learned Judge. The matter is squarely covered by the decision of this Court and as such these petitions are dismissed. Rule discharged. Interim relief, if any, granted earlier stands vacated. No order as to costs.

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